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Remarks

Claims 1-3, 7-17 and 24-31 are presented for the Examiner's consideration. In the Office Action mailed April 21, 2003 the Examiner finally rejected claims 1-3 and 7-9 and objected to claims 10-17 as being allowable but dependent on rejected base claims. Applicants hereby submit new independent and dependent claims 24-31 which are based on the allowable claims.

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants gratefully acknowledge the Examiner's withdrawal of rejections based on 35 U.S.C §103 to claims 10, 16 and 17 and for indication of allowable subject matter of claims 10-17. Applicants hereby submit new independent and dependent claims 24-31 which are based on the allowable claims and which Applicants believe are in form for allowance. Specifically, new independent claim 24 comprises matter drawn from claims 1, 3 and 10. New independent claim 25 comprises matter drawn from claims 1, 3 and 11. New dependent claims 26-29 comprise matter drawn from dependent claims 12-15, respectively. New independent claim 30 comprises matter drawn from claims 1, 3 and 16, and new dependent claim 31 comprises matter drawn from dependent claim 17.

By way of the Office Action mailed April 21, 2003 the Examiner maintained rejection of claims 1-3 and 7-9 under 35 U.S.C. §103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over EP 0754796 A1 to Lickfield et al. (hereinafter "Lickfield et al.") in view of U.S. Patent No. 4,729,371 to Krueger et al. (hereinafter "Krueger et al."). This rejection is respectfully traversed. Applicants respectfully maintain their assertion that the combination of cited art would not necessarily result in a nonwoven laminate having the required elements of the invention as in Claim 1. By way of further explanation, Applicants wish to draw the Examiner's attention to and contrast the corresponding Examples of the instant Application with the examples given in the Lickfield et al. reference.

In the Examples of the invention, the webs of Examples 2, 3 and 5 have air permeability measurements of 125, 92 and 70 cubic feet per minute (CFM), respectively, while each has a hydrohead greater than 50 mbars. These Example webs all have a basis weight of 17 gsm. When viewing the data supplied in TABLE I of Lickfield et al. (page 8) it is clear that the Lickfield et al. fabrics disclosed only have good air permeability when present at very low basis weights ranging from less than 30% to less than 6% of the basis weight of the inventive Examples mentioned above. For example, from TABLE 1 of Lickfield et al. it can be seen that samples 1-3 have air permeability measurements in excess of 70 CFM, but these samples are very light basis weight materials (5, 3 and 1 gsm, respectively). Sample 4, which is of a

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similar basis weight as the inventive Examples, only has air permeability of 54 CFM. Furthermore, although Lickfield et al. states on page 8 at about lines 30-35 that "the ability of the laminate fabrics to withstand water pressure... were also measured" and that the fabrics "can" exhibit hydro head measurements of up to 80 cm, it fails to disclose any of the actual hydrohead measurements. As one skilled in the art will recognize, meltblown web hydrohead values are in part a function of the basis weight of the meltblown web and because Lickfield et al. fails to disclose actual hydrohead values one may presume only the heaviest basis weight materials disclosed therein might have acceptable (i.e., greater than 50 mbar) hydrohead values. However, those heavier basis weight materials do not have acceptable air permeability values. For this reason, Applicants respectfully maintain their assertion that the combination of cited art would not necessarily result in a nonwoven laminate having a hydrohead of at least 50 mbars while also having Frazier air permeability in excess of 70 CFM as required in Claim 1, and in fact is at least as likely, if not more likely, not to have these properties.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (770) 587-8908.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Robert Ambrose, hereby certify that on June 23, 2003, this document is being faxed to the United States Patent and Trademark Office, Technology Center 1700, "After Final" facsimile machine at 703-872-9311.

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